

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

PRINCELLA V. STEELS	§	
VS.	§	CIVIL ACTION NO. 1:17cv254
DIRECTOR, TDCJ-CID	§	

MEMORANDUM ORDER REGARDING TRANSFER

Petitioner Princesa V. Steels, an inmate confined at the Hobby Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

On April 28, 2014, in the 263rd Judicial District Court for Harris County, Texas, petitioner was convicted and sentenced to a term of twelve years' confinement in the Texas Department of Criminal Justice, Correctional Institutions Division.

Petitioner brings this petition for writ of habeas corpus challenging the conditions of her confinement.¹ Specifically, petitioner complains she has been denied property without due process, denied personal hygiene items as well as her partial-denture plate, and her civil rights were violated when officers performed a strip search and cavity search on petitioner in front of other inmates.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the

¹ Petitioner filed this action on a petition for writ of habeas corpus form. Petitioner's intent to file this action as a habeas petition was also made clear in her accompanying cover letter. While it appears petitioner may be merely attempting to circumvent the filing restrictions of 28 U.S.C. § 1915(g), she has made clear her intent to file this action as a habeas petition.

district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner is currently confined at the Hobby Unit located in Falls County, Texas. Falls County is located within the jurisdictional boundaries for the United States District Court for the Western District of Texas. Further, petitioner was convicted in Harris County, Texas. Harris County is located in the Southern District of Texas. Thus, plaintiff has failed to establish habeas jurisdiction exists in this court.

As previously stated, the Hobby Unit is located in Falls County, Texas. Pursuant to 28 U.S.C. § 124, Falls County is in the Waco Division of the Western District of Texas.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Since petitioner is confined in the Waco Division of the Western District of Texas, the transfer of this action to such division would further justice. Therefore, it is the opinion of the undersigned that this petition should be transferred to the United States District Court for the Western District of Texas, Waco Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Order.

SIGNED this the 17th day of August, 2017.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE